## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TYLER DIVISION

DARRELL J. HARPER	§	
V.	§	CIVIL ACTION NO. 6:16cv1076
UNITED STATES OF AMERICA	8	

## MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE AND ENTERING FINAL JUDGMENT

The Plaintiff Darrell Harper, proceeding *pro se*, filed this lawsuit complaining of alleged violations of his constitutional rights. This Court referred the case to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges. The sole named Defendant is the United States of America.

Harper seeks to sue the United States for monetary damages for claimed civil rights violations, retaliation, treason, and racketeering. The Magistrate Judge issued a Report recommending that the lawsuit be dismissed because the United States has sovereign immunity from lawsuits seeking monetary damages and because Harper has been barred from filing pleadings as a result of sanctions previously imposed upon him by the Fifth Circuit Court of Appeals.

A copy of the Magistrate Judge's Report was sent to Harper at his last known address, return receipt requested, but no objections have been received; accordingly, he is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is

**ORDERED** that the Report of the Magistrate Judge (docket no. 5) is **ADOPTED** as the opinion of the District Court. It is further

"clearly erroneous, abuse of discretion and contrary to law."). It is accordingly

**ORDERED** that the above-styled lawsuit is **DISMISSED WITH PREJUDICE** as frivolous and as barred by the sanctions imposed by the Fifth Circuit Court of Appeals. It is further

**ORDERED** that any and all motions which may be pending in this civil action are hereby **DENIED**.

So Ordered and Signed

Apr 25, 2018

Ron Clark, United States District Judge

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